

[STATUTES OF GREAT BRITAIN, 1782] [1]

[Anno vicefimo fecundo Georgii III. c. 77.]

CAP. LXXVII.

An act to render valid and effectual certain articles of agreement between the mayor and commonalty and citizens of the city of London, governors of the poffeffions, revenues, and goods, of the hofpitals of Edward King of England the Sixth, of Chrift, Bridewell, and Saint Thomas the Apofitle, and of the hofpitals of Henry the Eighth, King of England, called The Houfe of the Poor, in Weft Smithfield, near London, and of the houfe and hofpital called Bethelem, and the prefidents, treafurers, and acting governors, of the faid feveral hofpitals.

Preamble. [1]

WHEREAS divers difputes and differences have arifen between

the mayor and commonalty and citizens of the city of London, governors of the poffeffions, revenues, and goods,

of the hofpitals of Edward King of England the Sixth, of Chrift, Bridewell, and Saint Thomas the Apofitle, and

of the hofpitals of Henry the Eighth, King of England, called The Houfe of the Poor, in Weft Smithfield, near London, and

of the houfe and hofpital called Bethelem, and the prefidents, treafurers, and acting governors, of the faid feveral hofpitals,

touching their refpective rights, powers, and privileges, in the ordering, management, government and difpofition of the faid hofpitals, and the eftates, poffeffions and revenues thereof:

and whereas feveral perfons, deputed by the faid mayor and commonalty and citizens of the city of

London, have had feveral meetings with perfons deputed by the faid prefidents, treafurers, and acting governors, for the purpofe of fettling and terminating the feveral matters in difpute between them;

and in confequence of fuch meetings, and of the refolutions of a court of common council of the city of London, and alfo of general courts held for the faid refpective hofpitals, the faid mayor and commonalty and citizens, and the faid prefidents, treafurers, and acting governors, have refpectively entered into and executed an agreement in the words, or to the purport and effect following; (that is to fay),

ARTICLES of AGREEMENT made, concluded, and agreed upon between **Articles of agreement.**

the mayor, and commonalty and citizens of the city of London, governors of the poffeffions, revenues, and goods, of the hofpitals of Edward King of England the Sixth, of Chrift, Bridewell, and Saint Thomas the Apofitle, by virtue of an order or refolution of a court of common council, holden the thirtieth day of May, in the year of our Lord one thoufand feven hundred and eighty-two, of the one part; and

the right honourable Thomas Harley alderman of London prefident, and John Darker efquire treafurer, of Saint Bartholomew's Hofpital; Robert Alfop efquire alderman of London prefident, and Thomas Burfoot efquire treafurer, of Chrift's Hofpital; Richard Clark efquire alderman of London treafurer of Bridewell and Bethelem Hofpitals; Samuel Plumbe efquire alder-

[1] [Source: *Statutes at Large*, Pickering (1782), vol 34 pp 124-132. Title only in Raithby (1811), vol 15 p 328. Another copy—albeit with some part of the text apparently missing—is in *Memoranda, References, and Documents relating to The Royal Hofpitals of the city of London* (London: Re-printed by Benjamin Pardon, 1863) Appendix No XXIV, pp 130-139; downloaded from <https://wellcomecollection.org/works/k9j5g89a>. This act was passed (received royal assent) on 5 July 1782 and under the legal doctrine of the time it could have been deemed to have come into force retroactively on 27 November 1781, the date of commencement of the session; but the act recites and confirms an agreement dated 15 June 1782, so it could not have had legal effect prior to then. Cited unofficially with a short title of the *London Hofpitals Act, 1782*. Apparently not repealed, although it has obviously been heavily superseded from 1948 on by the legislation establishing the UK's National Health Service (NHS).]

man of *London* president, and *Edward Jefferies* esquire treasurer, of *Saint Thomas's Hospital*; and the several other persons now acting as governors of the said several hospitals respectively, who, in behalf of themselves and others acting as governors as aforesaid, have hereunto set their hands and seals, by virtue of certain orders made at several general courts of the said hospitals respectively; *videlicet*,

of *Saint Bartholomew's Hospital* the twelfth day of *June*,

of *Christ's Hospital* the thirteenth day of *June*, of *Bridewell* and *Bethlehem Hospitals* the fourteenth day of *June*, and

of *Saint Thomas's Hospital* the said twelfth day of *June*,

in the year of our Lord one thousand seven hundred and eighty-two aforesaid, of the other part:

WHEREAS the ordering, management, and government of the said hospitals, and of each and every of them, and the several rights, revenues, and possessions thereof respectively, were vested in the said mayor and commonalty and citizens of the city of *London*, and their successors, by several charters or letters patent of the late Kings *Henry* the Eighth and *Edward* the Sixth, bearing date respectively the

thirteenth day of *January*, in the thirty-eighth year of the reign of King *Henry* the Eighth, and

twenty-sixth day of *June*, in the sixth year of the reign of King *Edward* the Sixth,

with such powers, rights, and privileges, to such uses and purposes, and subject to such restrictions, limitations, and trusts, as in the said charters or letters patent are expressed and contained:

and whereas the said mayor and commonalty and citizens of the said city of *London*, in pursuance and by virtue of such charters or letters patent, took upon themselves the management and government of the said several hospitals, and made several orders and regulations touching the same:

and whereas,

at a general court holden at *Christ's Hospital*, upon the twenty-seventh day of *September*, one thousand five hundred and fifty-seven, by the governors of all the said hospitals, it was ordered and agreed,

That the said hospital of *Saint Bartholomew* should from thenceforth be united to the rest of the said hospitals, and be made one body with them; and

that for the government of all the said hospitals, *Jir Martin Bowes* knight (then an alderman of the

city of *London*) should be comptroller general, and *Jir Andrew Judde* knight (then also an alderman) should be surveyor general, and

that three aldermen, a treasurer, and eight other citizens therein named and described, should be governors for each and every of the said hospitals;

and such hospitals respectively from thenceforth continued under the same kind of management, with a small increase of governors, down to the year one thousand five hundred and sixty-four,

when, upon the twenty-first day of *September* in that year (being *Saint Matthew's* day), a president, treasurer, and other governors, were chosen at *Christ's Hospital* for each of the said hospitals:

and these elections upon *Saint Matthew's* day were continued annually, down to the year one thousand five hundred and eighty-seven;

and from that period courts were at several times held at *Christ's Hospital*, down to the year one thousand six hundred and fifty-two inclusive, for electing or confirming governors of the said hospitals respectively, but not yearly, or in the same regular manner as thenceforth;

and courts were also held during that period, at and for the said hospitals, for nominating or electing governors of those hospitals respectively, and for the management thereof;

and from and after that time, it does not appear that such annual elections on *Saint Matthew's* day were kept up or observed at *Christ's Hospital*, for nominating or electing governors of the said hospitals respectively, save only for confirmation of the governors elected at the said hospitals;

but it appears that the governors of the said hospitals of *Saint Bartholomew*, *Christ*, *Bridewell*, and *Bethlehem* respectively, have been chosen at general courts or committees holden at the said hospitals, from and after the said year of our Lord one thousand six hundred and fifty-two, down to the present time:

and whereas it also appears by ancient records or entries, and otherwise,

that lists of the governors chosen for the said hospitals of *Saint Bartholomew*, *Bridewell*, and *Bethlehem*, and *Saint Thomas*, have been annually sent from those hospitals to *Christ's Hospital* previous to the meeting of the said governors on *Saint Matthew's* day, for confirmation, and

that such lists have constantly been delivered to the clerk of *Christ's Hospital*, and by him, together with a list of governors of *Christ's Hospital*, presented to the lord mayor of the city of *London* for the time

being, and by his lordship immediately delivered over, or directed to be delivered over, yearly and every year, at that time and place, to the town clerk of the same city attending his lordship on those meetings, in the presence of the aldermen, or great part of them, without making any objection to, or attempting to alter in any respect the annual lists of governors so delivered, or that mode of confirmation;

which practice or usage hath been continued as to all the said hospitals to the present time, save and except that the presidents, treasurers, governors, and officers of the said several hospitals were for some years appointed by certain commissioners authorized by his late majesty King *Charles* the Second, for the regulation of the said hospitals:

and whereas great benefit has been derived to the charitable institutions of the said hospitals from such mode of managing and conducting the same, and from the voluntary contributions, grants, bequests, and donations of the several persons so elected governors aforesaid, and others:

and whereas disputes have arisen between the said mayor and commonalty and citizens, and the persons acting as governors of the said hospitals, touching their respective rights, powers, and privileges, in the ordering, management, government, and disposition of the said hospitals, and the estates, possessions, and revenues thereof;

and it is conceived to be for the mutual benefit of the said mayor and commonalty and citizens, and of the said hospitals,

that all such disputes should cease, and be finally and amicably settled, adjusted, and terminated, and that the actual ordering, management, and government of the said hospitals respectively shall for ever hereafter be continued in the mayor and aldermen of the said city, together with the other persons now acting as governors, or hereafter to be elected as such, in the usual mode of election of governors at the said respective hospitals, and such of the commoners of the said city as shall be elected and chosen in the manner hereafter to be hereby directed, with such powers, rights, and privileges, to such uses and purposes, and under and subject to such restrictions and trusts, as are in the said charters or letters patent, and herein-after in these articles, expressed and contained:

now therefore these presents witness, that, in order to effectuate the salutary purposes herein-before mentioned, it is hereby mutually and fully agreed and declared by and between the said parties to these presents in manner following; (that is to say),

First, That

the governors of the said several hospitals of *Saint Bartholomew*, *Bethlehem*, *Christ*, *Bridewell*, and *Saint Thomas the Apostle*, and every of them named in the respective lists, delivered in upon the twenty-first day of *September*, one thousand seven hundred and eighty-one, being *Saint Matthew's* day, at *Christ's Hospital* aforesaid, to the town clerk of the city of *London*, by the order of the lord mayor; and

also those governors who have been elected since the delivery of such lists, together with the lord mayor and aldermen of the said city of *London*; and

also the members of the said court of common council, to be nominated and appointed as herein-after is mentioned,

for the time being, shall be established and confirmed governors of such of the aforesaid hospitals respectively, of which they

had been elected governors previous to the delivery of such lists as aforesaid, or

have been since the delivery of such lists, or in future shall be elected governors,

in such and the same manner, and with such and the same rights, privileges, powers, and authorities, as any governors of the same several hospitals, or any of them, at any time or times since the first establishment or appointment of the annual meetings at *Christ's Hospital* on *Saint Matthew's* day, for the nomination, election, or confirmation of governors of the said hospitals respectively, have, or could, or might, or ought to have had, in the governing, ordering, management, and disposition

of the business, affairs, or concerns of the said hospitals respectively, and

of the real estates and possessions of every denomination, and of the rents and revenues thereof; and also of all and singular the goods, chattels, and personal estate and effects whatsoever, of or belonging to the same hospitals respectively;

and such governors who have been so already elected, and such governors as shall be hereafter elected at general courts or committees to be held for the said hospitals respectively, in such manner as such governors now are or ought to be elected or chosen by the rules and orders now used and established, or hereafter to be used and established, in the said hospitals respectively, together with

the lord mayor and aldermen of the city of *London* aforesaid, and

First article.

the members of the said court of common council for the time being, to be nominated and appointed as herein-after mentioned,

shall have good right, full power, and absolute authority, from time to time, and at all times hereafter,

to nominate, elect, and appoint, the presidents, treasurers, and all other officers and ministers of and for the said hospitals respectively, and

to do every other act, matter, and thing, acts, matters, and things, necessary or expedient to be done for the good government and conduct of the same several hospitals, and in the management and disposition of the estates real and personal of the same respectively,

as fully, amply, and effectually, to all intents and purposes, as the governors of the same hospitals respectively have at any time or times heretofore acted in or about the government, management, and disposition of the same, or in anywise relating thereto, without the lawful suit, hindrance, denial, interruption, molestation, or disturbance, of or by any person or persons, bodies politick or corporate whomsoever or whatsoever.

Second article.

Secondly, That at all times hereafter, when and so often as it shall or may be necessary or expedient for the mayor, aldermen, and other governors of the said hospitals respectively, acting and to act as aforesaid, to prosecute, carry on or defend any suit or suits, distress or distresses, ejection or ejections, or other acts or proceedings either at law or in equity, touching or concerning all or any of the possessions, rights, titles, or revenues of the same hospitals, or any of them, it shall and may be lawful for the lord mayor, aldermen, and other governors of the said hospitals respectively, acting or to act as aforesaid, from time to time, and at all times hereafter, on all such occasions, and for all or any of the purposes aforesaid, to use and assume the names, stile, and title of the mayor and commonalty and citizens of the city of *London*,

as governors of the house of the poor commonly called *Saint Bartholomew's Hospital near West Smithfield, London*, of the foundation of King *Henry the Eighth*; and

as masters, guardians, and governors of the house and hospital called *Bethlehem*, situate without and near to *Bishopsgate*, of the said city of *London*; and

as governors of the possessions, revenues, and goods, of the hospitals of *Edward late King of England the Sixth*, of *Christ*, *Bridewell*, and *Saint Thomas the Apostle*, or of such of the said hospitals respectively,

touching and concerning which, or the rights, title, possessions, or revenues whereof, such suit or suits, distress or distresses, or other acts or proceedings as aforesaid, shall or may be commenced, made, or prosecuted;

and that in all cases whatsoever wherein the name, stile, or title, of the mayor and commonalty and citizens of the said city shall be so used or assumed for any of the uses or purposes aforesaid, the costs, charges, damages, and expences, which shall be incurred and sustained by reason or means of such suit or suits, distress or distresses, shall be borne, paid, and disbursed, by the treasurer for the time being of the said hospitals respectively, concerning which, or the estates, revenues, or possessions whereof, such suit or suits, distress or distresses, shall be brought, prosecuted, or made, out of the general funds of the same hospitals respectively, or out of the rents and revenues thereof;

and that the mayor and commonalty and citizens of the said city, and their respective goods, chattels, and estates, and also the lands, tenements, estates, and possessions, belonging to them in their separate capacity, other than the estates and possessions vested in them for the use and benefit of the said several hospitals, shall be indemnified, protected, and saved harmless, from and against all such costs, damages, and expences, to be incurred as aforesaid:

and further, that in case the treasurers of the said hospitals respectively, for or concerning which, or the estates or revenues whereof, such suit or suits shall at any time hereafter be brought and prosecuted, or such distress or distresses shall be made, shall refuse or neglect to make such payments as aforesaid; and the mayor and commonalty and citizens, and his or their respective estates, or the estates or revenues which they enjoy in their corporate capacity, other than the estates and revenues vested in them for the benefit of the said hospitals respectively, shall become charged with the payment of such costs, charges, damages, and expences, as aforesaid; that then and in such case, and as often as it shall so happen, it shall and may be lawful to and for the said mayor and commonalty and citizens of the said city to enter into and upon any of the said lands, tenements, hereditaments, and revenues, belonging to any of the said hospitals, in respect of which any such actions or suits shall be brought, and whereof the legal interest is become vested in them under or by virtue of the several charters granted to them by King *Henry the Eighth* and *Edward the Sixth*, or either of them, and to hold and enjoy the same, and receive and take the rents and profits thereof, until the sum for which they or their estates

shall become so charged shall be fully paid and satisfied, and no longer.

Third article.

Thirdly, That the seal of or belonging to the aforesaid hospitals shall

be restored to the chamber of the said city of *London*, and

be kept as heretofore by the chamberlain of the same city for the time being, in a purse or box sealed with the seals of the lord mayor of the said city for the time being, and any of the aldermen of the same city who shall be present at any time or times that the same seal shall be used;

and that all leases which shall at any time or times hereafter be made or granted of any of the lands, tenements, or hereditaments, of or belonging to the aforesaid several hospitals, or any of them, and all and every other deeds, presentations, and other instruments whatsoever relating to or concerning the same hospitals, or the estates, revenues, and possessions thereof respectively, (after the same shall have been examined, approved, and signed, by the presidents or treasurers, and such a competent number of the aldermen and other governors of such of the said respective hospitals, to which such leases, deeds, or instruments, shall relate or concern, as have been used and accustomed to examine, approve, and sign the same[]), shall be left at the chamberlain's office aforesaid, for the aforesaid seal of the said hospitals to be affixed thereto, with such docquet or writing explaining the purport of such leases, deeds, or instruments, to be left at the said office, in such manner and form as heretofore was and has been used and accustomed in that behalf,

and the same leases and writings to be left as aforesaid, shall thereupon be sealed with the said seal of the aforesaid hospitals in the next court of aldermen or of common council, whichever shall first happen, without any reading, addition, examination, or alteration of the same.

Fourth article.

Fourthly, That the said court of common council shall or may, at their first court to be held after the twenty-first day of *December* now next ensuing, or at any subsequent court, nominate and appoint forty-eight persons (being members of the court of common council of the said city), out of which number the names of

twelve shall be sent to *Saint Bartholomew's Hospital*,

twelve to the united hospitals of *Bridewell* and *Bethlehem*,

twelve to *Christ's Hospital*, and

twelve to *Saint Thomas Hospital*,
to be governors thereof respectively;

and that such names shall be entered in the books of the said hospitals, and in the lists of the governors thereof respectively, in the order in which they shall be so sent;

and they and every of them shall from thenceforth be governors of the said respective hospitals, and shall act as such in all matters relative to the said hospitals respectively, for so long time, and for so many years successively, as they respectively shall continue to be members of the said court of common council, or shall be re-elected as such members of the said court;

and they, and each and every of them, shall have and enjoy the like privileges, benefits, and advantages, which the other governors of the said hospitals (not being aldermen) have had and enjoyed, or now enjoy;

and that when and as often as any one or more of the said twelve members of the said court of common council, whose names shall be sent to any or either of the said hospitals as aforesaid, shall die, or cease to be a member or members of the said court of common council, or shall not be re-elected into such office, the said court of common council shall and may nominate and appoint another person, or other persons, being a member or members of the said court, in the place or stead of him or them so dying, or ceasing to be of the common council, or who shall not be re-elected;

and so and in like manner, when and as often as any new governor, to be nominated and sent to any of the said hospitals as aforesaid, shall die, or cease to be a member of the said court of common council, and shall not be re-elected into such office, the said court of common council

shall or may nominate and appoint another person or other persons, being a member or members of the said court, in the place or stead of the governor or governors last mentioned, and

shall and may in like manner fill up all future vacancies which shall happen,

so as that twelve members of the said court of common council, and no more, so nominated and sent to the said several hospitals as aforesaid, may for the time being, and for ever hereafter, be governors in each of the said hospitals of *Saint Bartholomew*, *Christ*, and *Saint Thomas the Apostle*; and also that twelve members of the said common council may be governors of the said united hospitals of *Bridewell* and *Bethlehem*;

and all and every the person and persons from time to time to be chosen by the said court of common council, upon any such vacancy as aforesaid, (after

his or their name or names shall be sent to the said hospital or hospitals where such vacancy or vacancies respectively shall happen), shall or may act as governors of the same hospitals respectively, and be entitled to the like privileges and advantages as the governors first to be chosen and sent by the said common council as aforesaid.

Proviso.

Provided, That nothing herein contained shall prejudice the rights of such members of the court of common council as now are governors of any of the said hospitals, or shall hereafter become so, by election or nomination of the governors of such hospital, in the manner heretofore used and accustomed, over and besides the twelve members of the said court who shall be governors by virtue of this agreement.

And, lastly, for removing all doubts touching the observance and performance of this agreement, and of the matters and things herein contained, by all the parties hereto, and their successors, it is hereby further agreed by and between all the parties aforesaid, That this present agreement, and all and every the matters and things herein contained, shall be humbly submitted to the consideration and confirmation of the legislature, so as that the same may, under the present application to parliament for a bill *for establishing and confirming the present governors of the respective hospitals of Saint Bartholomew, Bethelam, Christ, Bridewell, and Saint Thomas the Apostle, of royal foundation, in the exercise and enjoyment of all such acts, powers, and privileges, relating to the said hospitals, and the estates and revenues thereof, as are therein expressed, and for the other purposes therein mentioned*; or otherwise, be established and confirmed by the authority of an act of parliament, with such saving clause as is usual in cases of the like nature, if the legislature shall so think fit.

In witnesses whereof, to one part of these articles, the said mayor and commonalty and citizens of the said city, as such governors as aforesaid, have caused their common seal, used for the estates and concerns of the said hospitals, to be affixed: and to the other part thereof the said *Thomas Harley, John Darker, Robert Alfop, Thomas Burfoot, Richard Clarke, Samuel Plumbe, and Edward Jefferies*, esquires, and the several other persons now acting as such governors, as aforesaid, whose hands and seals are hereunto set on behalf of themselves and others acting as such governors, have severally and respectively set their hands and seals the fifteenth day of *June*, in the year of our Lord one thousand seven hundred and eighty-two.

And whereas it is conceived, that it will be greatly for the benefit of the aforesaid several royal

hospitals, and tend to restore and establish the permanent peace and good government of the same respectively, if the said agreement could be confirmed and rendered valid and effectual; but inasmuch as the same cannot be done without the aid and authority of an act of parliament, your Majesty's most dutiful and loyal subjects, the mayor and commonalty and citizens of *London*, governors of the possessions, revenues, and goods, of the aforesaid hospitals, and the presidents, treasurers, and acting governors of the said several royal hospitals respectively, do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same,

That the said articles of agreement, dated the fifteenth day of *June*, one thousand seven hundred and eighty-two, and herein-before set forth, and all and every the covenants, clauses, provisions, stipulations, and agreements therein contained, shall be, and the same are hereby ratified, confirmed, and established, according to the tenor, purport, and true intent and meaning of the same.

II. And be it further enacted by the authority aforesaid, That, for rendering the said articles of agreement more effectual for the several purposes therein mentioned, the said mayor and commonalty and citizens of the said city of *London*, and all other the parties thereto, shall observe and perform the several matters and things therein contained, not only as governors of the possessions, revenues, and goods, of the hospitals of *Edward King of England the Sixth, of Christ, Bridewell, and Saint Thomas the Apostle*, but also as governors of the house of the poor in *West Smithfield* near *London*, of the foundation of King *Henry the Eighth*, and as masters, keepers, and governors, of the aforesaid house and hospital called *Bethelam*, as fully and effectually, to all intents and purposes, as if the said mayor and commonalty and citizens had been described in the said articles of agreement by the respective corporate names herein-before mentioned.

III. And be it further enacted by the authority aforesaid, That

[I] The said articles of agreement are hereby confirmed and established.

The articles to extend to St. Bartholomew's and Bethelam hospitals.

Publick act.

this act shall be taken and allowed to be a publick act in all courts within the kingdom of *Great Britain*; and

all judges and justices of the peace are hereby required to take notice thereof as such, without specially pleading the same.

General saving.

IV. Saving always to the King's most excellent majesty, his heirs and successors, and to the mayor and commonalty and citizens of the said city of *London*, and to all and every other person and persons, bodies politick and corporate, his, her, and their heirs, successors, executors, and administrators, all such estate, right, title, interest, property, claim or demand whatsoever, which they or any of them had, claimed, exercised, or enjoyed, before the passing of this act, except only as to such rights, interests, and claims, of the said mayor and commonalty and citizens of the said city of *London*, and of the persons now and heretofore acting as governors of the said hospitals respectively, as are given up, altered, modified, and taken away, by virtue of this act, or of the agreement above recited, and by this act confirmed.
